

MEDICAL BOARD OF CALIFORNIA  
State of California

|  |   |                      |
|--|---|----------------------|
| Petition for Termination of Probation: | ) | OAH No. L-1997110134 |
|  | ) |                      |
| MARTA I. BLESÁ, M.D.                   | ) |                      |
| 5821 Temple City Blvd.                 | ) |                      |
| Temple City, California                | ) |                      |
|  | ) |                      |
| Physician's and Surgeon's              | ) | <u>DECISION</u>      |
| Certificate No. A31530,                | ) |                      |
|  | ) |                      |
| Respondent.                            | ) |                      |
| _____                                  | ) |                      |

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Medical Board of California as its Decision in the above entitled matter.

This Decision shall become effective on March 12, 1998.

IT IS SO ORDERED this 10th day of February, 1998.

MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



IRA LUBELL, M.D., Chair  
Panel A

rfm

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DIVISION OF MEDICAL QUALITY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

|                             |   |                      |
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| Petition for Termination of | ) |                      |
| Probation:                  | ) |                      |
|                             | ) |                      |
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| MARTA I. BLESÁ, M.D.        | ) | OAH NO. L-1997110134 |
| 5821 Temple City Blvd.,     | ) |                      |
| Temple City, California     | ) |                      |
|                             | ) |                      |
| Physicians and Surgeon's    | ) |                      |
| Certificate No. A31530      | ) |                      |
|                             | ) |                      |
| Petitioner.                 | ) |                      |
| _____                       | ) |                      |

PROPOSED DECISION

This matter was heard by Humberto Flores, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles, California, on December 8, 1997.

Joseph Furman, Deputy Attorney General, represented the Executive Director of the Medical Board of California.

Petitioner Marta I. Blesa, M.D., appeared personally and was represented by Ronald Marks, Attorney at Law.

Oral and documentary evidence was received and the matter was submitted. The Administrative Law Judge finds the following facts:

I

On September 1, 1977, the Medical Board of California ("Board") issued Physician's and Surgeon's Certificate No. A31530 to Marta I. Blesa, M.D., ("petitioner").

II

A. Pursuant to a Stipulated Settlement and Decision effective May 19, 1995, in Case No. D-5182, the Board revoked petitioner's license to practice medicine. The revocation was stayed and petitioner was placed on probation for 5 years on certain terms and conditions.

B. Pursuant to the stipulation, petitioner admitted that she prescribed dangerous drugs and controlled substances to an undercover investigator without a valid medical indication, in violation of Health and safety Code section 11153 and Business and Professions Code sections 2238 and 2234. Petitioner also admitted that she excessively prescribed dangerous drugs and controlled substances in violation of Business and Professions Code section 725.

C. On March 13, 1992, in the Superior Court of California, County of Los Angeles, Petitioner was convicted of on her plea of guilty to 3 felony counts charging violations of Health and Safety Code section 11153 (prescribing drugs without a valid medical indication).

### III

A. Petitioner now seeks termination of probation because of a loss of income that she attributes to her probationary status with the Board. Petitioner has been terminated by various PPO's and HMO's and is concerned that her income will continue to decrease.

B. Although the probationary status of Petitioner may cause economic difficulties, her loss of income is not a sufficient basis to terminate probation.

### IV

Petitioner also contends that she was threatened and forced to prescribe the drugs which led to her conviction and professional discipline. Petitioner's contention is rejected because it is an impermissible collateral attack on the conviction and subsequent discipline by the Board.

### V

Petitioner is complying with the terms and conditions of probation and has completed two years and seven months of her probationary period. Petitioner is doing what is required of her but she has not presented sufficient basis to terminate her probation.

### DETERMINATION OF ISSUES

Cause does not exist under Business and Professions Code section 2307, to terminate the probation previously imposed on petitioner Marta I. Blesa, M.D. The seriousness of petitioner's misconduct and the fact that petitioner has only completed half of the probationary period dictates that public would be better served by denying petitioner's request at this time.

ORDER

The petition of Marta I. Blesa, M.D. to terminate the probation previously imposed in case No. D-5182, is hereby denied.

DATED: January 8, 1998

*Humberto Flores*

HUMBERTO FLORES  
Administrative Law Judge  
Office of Administrative Hearings